

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Comcast Cablevision of the South  
1500 Market St. – 35<sup>th</sup> FL  
Philadelphia, PA 19102

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File Number EB-02-AT-213  
NAL/Acct. No. 200232480006  
FRN 0001-6167-70

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Released: June 10, 2002**

By the Enforcement Bureau, Atlanta Office:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture, we find that Comcast Cablevision of the South (“Comcast”) willfully and repeatedly violated Section 76.605(a)(12) of the Commission’s Rules (“Rules”)<sup>1</sup> and willfully violated Section 76.611(a)(1) of the Rules<sup>2</sup> relating to cable television signal leakage. We conclude that Comcast Cablevision of the South is apparently liable for a forfeiture in the amount of eight thousand dollars (\$8,000).

**II. BACKGROUND**

2. On May 14, 2002, an agent from the FCC Enforcement Bureau's Atlanta Field Office conducted a cable television signal leakage inspection of Comcast’s cable system located in Etowah, Tennessee. The agent found that, at twenty locations, cable signal leakage on the frequency 121.2625 MHz significantly exceeded 20 microvolts per meter ( $\mu\text{V/m}$ ) at a distance of at least three meters from each leakage, in violation of Section 76.605(a)(12) of the Rules. The measured leaks ranged from 348  $\mu\text{V/m}$  to 887  $\mu\text{V/m}$ . Based on these measurements, the agent calculated the system’s cumulative leakage index (“CLI”) at a value of 68.3, exceeding the allowed cumulative signal leakage performance criteria of 64, in violation of Section 76.611(a)(1) of the Rules.<sup>3</sup> (See Attachment A.)

**III. DISCUSSION**

3. Section 76.605(a)(12) of the Rules requires cable operators to limit signal leakage in the frequency band from 54 MHz up to and including 216 MHz to 20  $\mu\text{V/m}$  at a distance of 3 meters. On May 14, 2002, Comcast exceeded this limit at twenty locations on its system in Etowah, Tennessee.

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<sup>1</sup> 47 C.F.R. § 76.605(a)(12).

<sup>2</sup> 47 C.F.R. § 76.611(a)(1).

<sup>3</sup> The calculated CLI included only leaks greater than 50  $\mu\text{V/m}$ , included leaks found in only 12 miles or 55% of the system inspected, and assumed no leaks in the 45% of the system not checked.

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Section 76.611(a)(1) of the Rules requires cable operators to limit the CLI to a value at or below 64. On May 14, 2002, Comcast's cable system in Etowah, Tennessee operated with a CLI value of 68.3.

4. Based on the evidence before us, we find that on May 14, 2002, Comcast Cablevision of the South willfully<sup>4</sup> and repeatedly<sup>5</sup> violated Section 76.605(a)(12) of the Rules, and willfully violated Section 76.611(a)(1) of the Rules.

5. Pursuant to Section 1.80(b)(4) of the Rules, the base forfeiture amount for the violations cited in this notice is \$8,000 (violation of rules relating to distress and safety frequencies).<sup>6</sup> Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), requires us to take into account "... the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require."<sup>7</sup> Considering the entire record and the factors listed above, this case warrants an \$8,000 forfeiture.

#### **IV. ORDERING CLAUSES**

6. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act<sup>8</sup> and Sections 0.111, 0.311 and 1.80 of the Rules,<sup>9</sup> Comcast Cablevision of the South is hereby NOTIFIED of its APPARENT LIABILITY FOR A FORFEITURE in the amount of eight thousand dollars (\$8,000) for willful and repeated violation of Section 76.605(a)(12) of the Rules and willful violation of Section 76.611(a)(1) of the Rules.

7. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Commission's Rules, within thirty days of the release date of this NOTICE OF APPARENT LIABILITY, Comcast Cablevision of the South SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

8. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment MUST INCLUDE the NAL/Acct. No. and FRN referenced in the letterhead above.

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<sup>4</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies equally to Section 503(b) of the Act, provides that "[t]he term 'willful,' when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act ...." See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

<sup>5</sup> The term "repeated" means the commission or omission of an act more than once or, if such commission or omission is continuous, for more than one day. 47 U.S.C. § 312(f)(2).

<sup>6</sup> 47 C.F.R. § 1.80(b)(4).

<sup>7</sup> 47 U.S.C. § 503 (b)(2)(D).

<sup>8</sup> 47 U.S.C. § 503(b).

<sup>9</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

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9. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street, SW, Washington, DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division, and MUST INCLUDE THE NAL/Acct. No. and FRN referenced in the letterhead above.

10. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

11. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Federal Communications Commission, Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>10</sup>

12. IT IS FURTHER ORDERED THAT a copy of this NOTICE OF APPARENT LIABILITY shall be sent by Certified Mail Return Receipt Requested to Comcast Cablevision of the South at 1500 Market St. – 35<sup>th</sup> FL, Philadelphia, PA 19102. An additional copy of this Notice shall be sent to Comcast Cablevision of the South at 408 South White Street, Athens, TN 37303.

FEDERAL COMMUNICATIONS COMMISSION

Fred L. Broce  
District Director  
Atlanta Office, Enforcement Bureau

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<sup>10</sup> See 47 C.F.R. § 1.1914.

## ATTACHMENT A

## FIELD STRENGTH MEASUREMENTS OF COMCAST CABLEVISION, ETOWAH, TN

MEASUREMENT DATE: MAY 14, 2002

FREQUENCY: 121.2625 MHZ

	Measurement Location	Leakage Field Strength, $\mu\text{V/m}$
1	Highway 411 South, just South of Dennis 411 Roofing	887
2	2079 Highway 411 South	806
3	2109 Highway 411 South	565
4	2179 Highway 411 South	678
5	10 <sup>th</sup> St. between Pennsylvania & Georgia Avenues	348
6	Circle Drive Apartment Loop Complex	887
7	Pole across from 929 Bledsoe Dr.	839
8	1121 Bledsoe Dr.	566
9	7 <sup>th</sup> St. between Indiana & Georgia Avenues	450
10	4 <sup>th</sup> St. between Indiana & Georgia Avenues	402
11	4 <sup>th</sup> St. between Ohio & Washington Avenues	485
12	Pole at Bryant St. @ Vermont Ave.	565
13	613 – 625 Stalans Dr.	451
14	716 Brookhill	565
15	1206 Vermont Ave.	402
16	Pole across from 205 Gentry St.	348
17	Across from 1212 Hoffman Ave.	402
18	Georgia Ave. between 5 <sup>th</sup> & 6 <sup>th</sup> Streets	368
19	Indiana Ave. between 8 <sup>th</sup> & 9 <sup>th</sup> Streets	434
20	701 Tennessee Ave.	679